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JUL 20 2004

LUTHER D. THOMAS, Clerk
By: *[Signature]*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WITNESS SYSTEMS, INC.,

Plaintiff,

v.

STS SOFTWARE SYSTEMS, LTD.,

Defendant.

CIVIL ACTION FILE

NO. 1:04-CV-2111

RWS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff WITNESS SYSTEMS, INC. ("Witness Systems") files its
Complaint for Declaratory Judgment against Defendant STS SOFTWARE
SYSTEMS, LTD. ("STS Software"), and alleges as follows:

PARTIES

1.

Plaintiff Witness Systems is a Delaware corporation having its principal
place of business located in Roswell, Georgia (Fulton County).

FORMS RECEIVED
Consent To US Mag.
Pretrial Instructions
Title VII etc

[Checkmarks and signature]

2.

Defendant STS Software is a corporation organized under the laws of Israel with its principal place of business at 8 Hapnina Drive, Ra'anana 43107 Israel. Defendant may be served with process at Nice Systems, Inc. 301 Route 17 North, 10th Floor, Rutherford, New Jersey 07070.

PERSONAL JURISDICTION AND VENUE

3.

This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1338, 2201 and 2202, on the grounds that Witness Systems seeks a declaration of its rights against threats of patent infringement made by Defendant. Witness Systems has a reasonable apprehension of being sued for infringement of Defendant's United States Patent No. 6,122,665 ("the '665 patent."). Thus, this case presents an actual controversy under 28 U.S.C. 2201.

4.

The Court has personal jurisdiction over Defendant in this action based upon (a) Defendant's targeting of its sales and marketing efforts for its products into this judicial district, including through Defendant's Internet website and distributors; (b) Defendant's sales and/or shipments of product into this judicial district; and (c) Defendant's strategic OEM Partnership with a company in this district.

5.

Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

FACTS

6.

Defendant STS Software owns all right, title and interest in the '665 patent.

7.

Plaintiff has a reasonable apprehension of being sued for infringement of the '665 patent.

8.

Witness Systems makes, uses, sells and/or offers for sale products and systems for monitoring and recording information, including products for use within customer service and call center environments. Witness Systems' products compete in the same business space as Defendant's products and services.

9.

Witness Systems does not infringe any valid claim of any of the '665 patent.

COUNT I
DECLARATORY JUDGMENT OF
NON-INFRINGEMENT U.S. PATENT NO. 6,122,665

10.

Witness Systems incorporates by reference the allegations contained in paragraphs 1-9, above, as if set forth verbatim herein.

11.

Witness Systems does not infringe any valid claim of Defendant's U.S. Patent No. 6,122,665.

12.

Defendant's conduct has created a reasonable apprehension of suit on the part of Plaintiff Witness Systems, and has created an actual controversy between Witness Systems and Defendant with respect to the alleged infringement of Defendant's U.S. Patent No. 6,122,665.

13.

Pursuant to 28 U.S.C. § 2201, *et seq.*, the Court should enter an order declaring that Witness Systems does not infringe any valid claim of Defendant's U.S. Patent No. 6,122,665.

CLAIMS FOR RELIEF

WHEREFORE, Plaintiff Witness Systems requests that:

1. Witness Systems does not infringe any valid claim of Defendant's U.S. Patent No. 6,122,665.

2. The Court grant Witness Systems such other and further relief as may be deemed appropriate and just.

Respectfully submitted, this 20th day of July, 2004.



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